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APR 13 2007

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## FACSIMILE

Date: April 13, 2007

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Sent:

<b>To:</b>	<b>Company:</b>	<b>Facsimile No:</b>	<b>Telephone No:</b>
Mail Stop: AMENDMENT	USPTO	571-273-8300	
<b>From:</b>	Atabak R. Royae	<b>Direct Phone:</b>	617.535.4108
<b>E-Mail:</b>	aroyae@mwe.com		
<b>Sent By:</b>		<b>Direct Phone:</b>	
<b>Client/Matter/Tkpr:</b>	068911-0060	<b>Original to Follow by Mail</b>	No
		<b>Number of Pages, Including Cover:</b>	10

## Message:

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PAGE 1/11 \* RCVD AT 4/13/2007 1:13:10 PM [Eastern Daylight Time] \* SVR:USPTO-EFAX-3/4 \* DNIS:2738300 \* CSID:617 535 3869 \* DURATION (mm-ss):03-02

APR 13 2007

PATENT

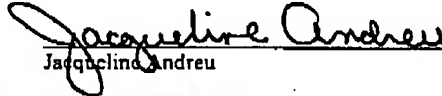
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Matthew L. Tripp, et al.  
Application No.: 10/689,856  
Filing Date: October 20, 2003  
Docket Number: 068911-0060  
Title: COMPOSITIONS THAT TREAT OR INHIBIT PATHOLOGICAL  
CONDITIONS ASSOCIATED WITH INFLAMMATORY RESPONSE  
Examiner: Michael V. Meller  
Art Unit: 1655  
Confirmation No.: 3345

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Mail Stop: Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted (571-273-8300) to the USPTO, on the date indicated below.

Date: April 13, 2007

  
Jacqueline Andreu

**MAIL STOP AMENDMENT**  
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**TRANSMITTAL LETTER**

Sir:

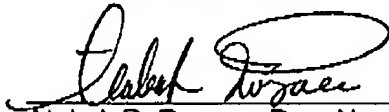
Enclosed herewith for filing in connection with the above-identified patent application are the following:

- 1) Copy of April 6, 2007 Notice of Non-Compliant Amendment (2 pages)
- 2) Response to Notice of Non-Compliant Amendment (2 pages); and
- 3) A complete listing of all of the claims (Amendments to the Claims section) (5 pages)

There are no fees due with the filing of this Amendment. However, the Commissioner is authorized to charge any further fees which may become due and/or credit any overpayment to Deposit Account Number 50-1133

Respectfully submitted,

Dated: April 13, 2007

  
Atabak R. Royae, Reg. No. 59,037  
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04/06/2007

SIMONA A. LEVI-MINZL Ph.D.  
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MW&amp;E

Paper No.

Application No.: 10/689,856	Date Mailed: 04/06/2007
First Named Inventor: Tripp, Matthew, L.	Examiner: MELLER, MICHAEL V
Attorney Docket No.: 68911-060	Art Unit: 1655
Confirmation No.: 3345	Filing Date: 10/20/2003

Please find attached an Office communication concerning this application or proceeding.

McDermott Will & Emery LLP  
Re: 68911-060  
Action Date: 5/6/07  
Action Due: non-comp. I  
Docketed By: [Signature] Date: 4/10/07

Commissioner for Patents

PTO-90c (Rev.08-06)

<b>Notice of Non-Compliant Amendment</b> <b>(37 CFR 1.121)</b>	Application No. 10/689,856		Applicant(s) TRIPP ET AL	
			Art Unit 2800	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

The amendment document filed on 28 March, 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) if applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- Applicant is given **one month, or thirty (30) days, whichever is longer**, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable Stella Little Telephone No: 571-272-4365